UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA Alexandria Division

EMILY WRIGHT, TIFFANY WILSON,)
and KRISHNENDU CHAKRABORTY,)
on behalf of themselves and)
all others similarly situated)
)
Plaintiffs,)
v.) Civil Action No. 1:21-cv-803-CMH-IDD
)
)
CAPITAL ONE BANK (USA), N.A.,)
and CAPITAL ONE, N.A.,)
)
Defendants.)
)

CAPITAL ONE BANK (USA), N.A.'S AND CAPITAL ONE, N.A.'S MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION

Defendants Capital One Bank (USA), N.A. and Capital One, N.A. (collectively, "Capital One"), pursuant to Federal Rule of Civil Procedure 12(b)(1), move to dismiss the Complaint because Plaintiffs lack standing to assert their claims against Capital One. The grounds in support of this Motion are set forth in Capital One's Memorandum in Support filed with this Motion.

Dated: August 31, 2022 Respectfully submitted,

<u>/s/ John S. Moran</u>

Bryan A. Fratkin (VSB No. 38933) Seth A. Schaeffer (VSB No. 74509) Katherine E. Lehnen (VSB No. 92357) McGUIREWOODS LLP

800 East Canal Street

Richmond, VA 23219 Tel.: (804) 775-1000 Fax: (804) 775-1061

bfratkin@mcguirewoods.com sschaeffer@mcguirewoods.com klehnen@mcguirewoods.com

John S. Moran (VSB No. 84236) McGUIREWOODS LLP 888 16th Street N.W. Suite 500 Black Lives Matter Plaza Washington, DC 20006 Tel.: (202) 857-1700 Fax: (202) 857-1737 jmoran@mcguirewoods.com

Counsel for Defendants Capital One Bank (USA), N.A. and Capital One,

N.A.

CERTIFICATE OF SERVICE

I certify that on August 31, 2022, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all counsel of record.

/s/ John S. Moran

John S. Moran

Counsel for Defendants Capital One Bank (USA), N.A. and Capital One, N.A.